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6 Attorneys for Joseph D. Jr. Toscano

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSEPH D. JR. TOSCANO,

14 Defendant.

Case No. 2:05-cr-236-RLH-GWF-1

MOTION TO WITHDRAW AS
COUNSEL OF RECORD

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16 COMES NOW, Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
17 Whittington, Assistant Federal Public Defender, and hereby moves to withdraw as counsel of
18 record. This motion is based upon the attached Memorandum of Points and Authorities and all
19 of the papers and pleadings on file herein.

20 DATED this 18th day of March, 2016.

21 Respectfully submitted,
22 RENE L. VALLADARES
Federal Public Defender

23 /s/ Nisha Brooks-Whittington
24 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **FACTUAL BACKGROUND**

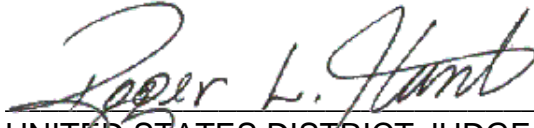
3 On January 4, 2016, the Court, pursuant to the defendant's request for discretionary
4 relief, appointed the Federal Public Defender as counsel in this case to determine whether the
5 defendant may qualify to seek reduction of sentence and to present any motions or applications
6 for reduction of sentence in accordance with Amendment 782 and 18 U.S.C. § 3582(c)(2). See
7 Docket No. 52. Counsel reviewed the defendant's file, including relevant court documents.
8 Based upon this review, counsel will not file any motions or applications for reduction of
9 sentence on the defendant's behalf. Counsel has notified the defendant, and now seeks to
10 withdraw from this case.

11 DATED this 18th day of March, 2016.

12 Respectfully submitted,
13 RENE L. VALLADARES
14 Federal Public Defender

15 /s/ Nisha Brooks-Whittington
16 NISHA BROOKS-WHITTINGTON
17 Assistant Federal Public Defender

18 IT IS SO ORDERED.

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20 _____
21 UNITED STATES DISTRICT JUDGE

22 DATED: March 18, 2016
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CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of the Federal Public Defender for the District of Nevada and am a person of such age and discretion as to be competent to serve papers.

That on March 18, 2016, I served an electronic copy of the above and foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
ELIZABETH O. WHITE
Appellate Chief and
Assistant United States Attorney
100 West Liberty, Ste. 600
Reno, NV 89501

Via U.S. Mail:

Joseph D. Jr. Toscano
Reg. #40436-048
FCI Herlong
P.O. Box 800
Herlong, CA 96113

/s/ Cecilia Valencia
Employee of the Federal Public Defender